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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/940,616
Filing Date: August 29, 2001
Appellant(s): BRAUN, DAVID A.

Wendell J. Jones
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/9/2009 appealing from the Office action mailed 12/24/2003.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,657,380	MOZER	8-1997
5,673,016	LUTES	9-1997
6,496,595	PUCHEK et al	12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 1-3,5-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutes(5,673,016) in view of Mozer(5,657,380).

-- In considering **claim 1**, the claimed subject matter that is met by Lutes includes:

1) the claimed user interface for entering a user code indicative of a visitor is met by the plurality of function buttons(20) which allow users to send coded sequences to the panel to cause different messages to be displayed(see: column 5, lines 34-40);

2) the claimed signal transmitter is met by the electronic signal transmission device of the central control unit(16) as seen in figure7(see: column 6, lines 5-10).

- **Lutes does not show:**

1) the claimed logic circuit for identifying a visitor based on the user code.

Use of logic circuits for controlling the various operations of a doorbell system

Art Unit: 2612

are well known in the art. In related art, Mozer discloses an interactive door answering and message delivery system which utilizes a logic circuit in the form of processor chip(34, column 5, lines 1-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the chip(34) of Mozer into the circuitry of Lutes, because although a logic circuit is not specifically shown by Lutes, some form of logic circuit means would have been necessary in the display(8) of Lutes, since specific messages would have been relayed to specific visitors based on the sequence of buttons pushed by the visitor, thereby causing a logical process to occur so as to determine specific messages to be displayed(see: column 5, lines 20-32). Therefore, incorporation of the chip of Mozer into the display of Lutes would have provided an adequate, compact, and inexpensive means for performing the desired functions of the device of Lutes.

-- **Claim 2** recites subject matter that was met as discussed in claim 1 above, as well as:

1) the claimed memory for storing the response signal is met by the RAM and ROM of the chip(34) of Mozer.

-- **Claim 3** recites subject matter that is met as discussed in claim 1 above, as well as:

1) the claimed user interface being a keypad is met by the function buttons which allow keystroke sequences to be performed.

-- **Claims 5-6** recite subject matter that is met as discussed in claim 1 above, except for:

Art Unit: 2612

- 1) the claimed microphone(claim 5);
- 2) the claimed signal transmitter being a speaker(claim 6).

User of microphones for user interface means and speakers for signal transmitters for providing an audio signal is well known in the art. As discussed above, Mozer discloses a doorbell answering system, and as well, discloses a microphone being utilized as a user interface means for triggering specific messages to be generated by a doorbell system and a speaker being utilized as a signal transmitter for providing an audio signal as a response signal(see: Mozer, column 4, lines 54-57; column 5, lines 22-42). Furthermore, since Mozer allows a resident to customize queries to visitors(see: column 5, lines 38-42), it would have also been obvious that a visitor's voice would have been utilized as a code, at instances when the resident would have instructed the visitor to elicit specified responses to specified queries to receive specified messages.

Since Lutes already desires to detect the presence of visitors utilizing various means such as the buttons(20) and motion detector(26), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate functions of the microphone, RAM, and speaker of Mozer into the system of Lutes, since this would have provided a more versatile means of distinguishing and filtering desired visitors for the user of the system.

-- **Claim 7** recites subject matter that was met as discussed in claim 1 above, as well as:

- 1) the claimed computer is met by the chip(34, Mozer, column 5, lines 1-21).

Art Unit: 2612

-- **Claim 8** recites subject matter that was met as discussed in claims 6-7 above.

-- **Claim 12** recites subject matter that was met as discussed in claim 6 above(see: function buttons(20), Lutes).

-- **Claim 13** recites a method that is met as discussed with reference to the discussion of the apparatus of claim 1 above.

-- In considering **claim 14**, although not specifically disclosed by Lutes, it would have been obvious that a user code would have been compared to a plurality of stored user codes, and as well, the identity of the visitor would have been determined from at least one stored code of the plurality of stored codes, since Lutes teaches the displaying of specific preprogrammed messages stored in the display panel, when specific codes are entered into the function buttons by visitors(see: column 5, lines 20-42), thereby necessitating a comparing and determining function by the panel in order to display the correct specified messages based on the received code.

As well, all other claimed subject matter is met as discussed in claim 13 above.

-- **Claim 15** recites subject matter that is met as discussed in claim 14 above, as well as:

1) the claimed interface being a keypad is met by the function buttons(20, column 5, lines 33-42).

-- **Claim 16** recites a method that was met as discussed with reference to the discussion of the apparatus of claim 5, and as well claim 14 above.

-- **Claim 18** recites a method that was met as discussed with reference to the discussion of the apparatus of claim 6, and as well claim 14 above.

Art Unit: 2612

-- In considering **claim 19**, upon incorporation of the microphone, RAM, and speaker of Mozer into the system of Lute for the reasons as discussed with regards to the apparatus of claims 5 and 6 above (and not herein repeated), it would also have been obvious that the plurality of alarm signals would have been transmitted dependent upon the number of times the user code would have been entered within a predetermined time frame, since the voice responses elicited by the visitor when prompted by the customized query would have constituted the user code, and therefore each specific answer to each specific query would have caused one of the plurality of stored messages to be announced (see: Mozer, column 5, lines 22 et seq; column 6, lines 1-16).

As well, all other claimed subject matter is met as discussed in claim 18 above.

-- **Claims 9-10**, and **20** recite subject matter that was met as discussed in claims 8 and 14 above, respectively, except for:

- 1) the claimed first communication device (claim 9);
- 2) the claimed communication device at a remote location allowing a home dweller and the visitor to be able to communicate (claims 10, 20);
- 3) the claimed transmitted response signal being a radio frequency signal (claims 9, 20);

Use of radio frequency signals received by remote communication devices in a doorbell system is well known in the art. In related art, Mozer discloses a doorbell system in which interior (32) and exterior (28) units communicate via RF link (20) to enable a visitor and a home dweller at a remote location to be able to

Art Unit: 2612

communicate(see: column 4, lines 42 et seq).

Since Lutes already desires to allow a home dweller at a remote location to receive signals transmitted by an exterior unit, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the interior(32) and exterior(28) units including RF link(20) of Mozer into the system of Lutes, since RF communication is a well known, reliable, and inexpensive means for allowing wireless intercommunicating between remote separated units. Furthermore, substituting the interior(32) unit of Mozer in place of the beeper(28) of Lutes would have improved the versatility of the beeper device of Lutes, since it would have allowed the home dweller the opportunity to better screen visitor by allowing intercommunication with the visitor as desired.

-- In considering **claim 11**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a mobile telephone into the second communication device, since Mozer already teaches the interface(32) being a telephone interface with allows interaction via a telephone, and therefore utilizing a mobile telephone in the interface would have allowed the resident to be more versatile with their movements so as not to be restricted to one place in order to receive and/or communicate with visitors.

As well, all other claimed subject matter is met as discussed in claim 10 above.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutes in view of Mozer as applied to claims 1 and 14 above, respectively, and

further in view of Puchek et al(6,496,595).

-- **Claims 4 and 17** recite subject matter that was met as discussed in claims 1 and 14 above, respectively, except for:

1) the claimed user interface being a camera, and the user code being image data captured by a camera.

Use of cameras for capturing image data as a user code for determining authorization for a facility is well known in the art. In related art, Puchek et al(Puchek) discloses a biometric access apparatus which utilizes a biometric sensing device(56) incorporating a camera for capturing facial parameters in order to determine access control in an enclosed environment(see: column 6, lines 30-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the biometric sensing device(56) including camera of Puchek into the system of Lutes in view of Mozer, since this would have tremendously enhanced the visitor recognition features of the system, thereby ensuring that appropriate messages would have been provided to each specific visitor due to the enhanced visitor recognition.

(10) Response to Argument

APPELLANT'S ARGUMENTS:

1) *"The present invention as recited in varying forms of the independent claims includes a doorbell arrangement and method of use thereof. The doorbell arrangement includes a user interface for entering a user code.....This is the essence of hindsight*

*reasoning. As delineated above, **the mere fact that the prior art could be so modified does not make the modification obvious unless the prior art suggested the desirability of the modification.** It is the Appellant's contention that the Lutes reference is lacking in this desirability.*

2) *"The Lutes reference does not disclose a logic circuit for identifying a specific visitor. Consequently, since the Lutes user interface is clearly not designed to identify a specific visitor, there is not motivation or desirability for the Lutes reference to include a logic circuit for identifying a specific visitor. Appellant accordingly asserts that the Examiner's proposed combination of references is improper."*

3) *"Furthermore, when making an obvious rejection under 35 U.S.C. 103, a necessary condition is that the reference or combination of the cited references **must teach or suggest all claim limitations**.....This is clearly different from a logic circuit for identifying a specific visitor as recited in independent claims 1 and 13. Therefore, based on the above-outlined two-fold argument, claims 1 and 13 are allowable over the Examiner's proposed combination of references."*

4) *"Claim 11 is dependent on claim 10 and is reproduced herein below.....Accordingly, the Examiner's proposed combination of references does not teach or suggest every element of the recited invention. Therefore, claim 11 is allowable over the Examiner's rejection."*

5) *"Insofar as the Puchek et al reference fails to correct the outlined deficiency of the Lutes and Mozer references,.....Accordingly, claims 4 and 17 should be allowed over these references."*

EXAMINER'S RESPONSE:

1) The appellant is asserting that the combination of Lutes and Mozer for the purpose of rejecting the claimed subject matter is unacceptable because the appellant contends that hindsight reasoning was used as motivation for the combination of the references. The examiner disagrees because, as stated in the art rejection, Lutes teaches a doorbell system which utilizes user codes indicative of specific visitors so as to cause messages specific to that user to be displayed(see: Lutes, column 5, lines 34-40). Mozer was introduced to show that use of logic circuitry, in the form of processor chip(34), for controlling operations of a doorbell system, including message delivery is well known in the art. As is well known in the electronic circuitry art, use of processor chips, as opposed to other forms of control circuitry, as a means for controlling electronic systems provides an unparalleled advantage with regards to expense, reduction in circuit complexity, operation speed, reliability, upgrade capabilities, etc.

How can the appellant accuse the examiner of improper hindsight, when the examiner was merely trying to show that claimed subject matter is already well known as taught by Mozer, and would have merely enhanced already existing features of the prior art to Lutes, the advantages of which would have been readily recognized by one of ordinary skill in the art at the time the invention was made? The examiner's motivation clearly is the implementation of a well known logic circuit in the form of processor chip(34) of Mozer which would have facilitated the enhancement of conditions such as expense, circuit complexity reduction, operation speed, reliability, etc., in the circuitry of the doorbell system of Lutes.

2) The appellant is asserting that the coded sequences input into the interface of Lutes are not specific to each user and therefore the Lutes system cannot identify specific visitors. But Lutes clearly teaches that specific codes entered by users cause different messages to be displayed(see: Lutes, column 5, lines 34-40). The examiner asks the question, how could specified messages be displayed based on entered codes if the coded sequences are not specific. Obviously if users share their assigned codes with one another, then in this instance, the codes would not be specific to each user. But this situation would be common with various situations in everyday life. For example, a person's ATM Card and personalized PIN number is an example of a coded sequence that is particular to a specific person and identifies that person at an ATM. But just because that card and PIN number are specific to a particular person does not preclude someone else from utilizing that person's card and PIN number, and thereby fooling the ATM into thinking that it is interacting with the original owner of the card and PIN number.

The point is, the system of Lutes was designed to identify specific users by providing user specific messages based on specific codes that are input into the interface. The examiner deems that this system, in conjunction with Mozer as discussed in the art rejection reads on the claimed subject matter.

3) As discussed above, an identifying function would have had to have occurred in Lutes in order for a specified message to be displayed based on a received coded sequence on the user interface. The purpose of implementing the logic circuit of Mozer into Lutes would have been to facilitate the identifying function, as well as all other

Art Unit: 2612

functions of the electronic circuitry in the system.

4) The appellant is asserting that the examiner's proposed combination of references does not teach or suggest every element of the recited invention because Mozer utilizes a telephone interface(32) that utilizes a telephone jack that would not allow Mozer to incorporate use of a mobile phone because a telephone jack is typically utilized in conjunction with a non-mobile phone. The appellant then goes on, in the arguments, to define a mobile telephone as a telephone that uses a network of short range transmitters located in overlapping cells throughout a region with a central station making connections to regular telephone lines.

Firstly, the examiner would like to bring to appellant's attention that nowhere in the specification or claims is this above stated definition of a mobile phone, or for that matter a non-mobile phone mentioned. Appellant is arguing subject matter that has not been claimed, nor disclosed, and for that reason alone appellant's argument is deemed moot.

Secondly, assuming *arguendo* that appellant had properly distinguished the difference between mobile and non-mobiles phones in the disclosure of the invention, the examiner would still have combined the references in the manner as discussed in the art rejection, since Mozer's use of a telephone jack would not have precluded implementation of a mobile phone, since mobile phones are readily adaptable for use with conventional systems which utilize telephone jacks. For example, a conventional home telephone system which utilizes telephone jacks could have easily been configured to forward calls from the conventional phone to a user's "mobile" telephone

Art Unit: 2612

by activation of the call forwarding feature of the conventional phone. In doing this, the user's mobile phone would have assumed all functions of the conventional "non-mobile" telephone, and still met the limitations of the claimed subject matter.

Thirdly, since appellant has not provided the above stated definition of mobile/non-mobile phones in the disclosure of the invention, the examiner is allowed to give the broadest reasonable interpretation of the claims in light of the specification. On page 11 lines 18-20 of the specification, it was stated that the present invention desires to utilize a mobile telephone, pager, or **other similar portable device**. This would imply that the portability of the device while used at the site of the doorbell was the major concern of the present invention, as opposed to a device that uses a network of short-range transmitters located in overlapping cells throughout a region, with a central station making connections to regular telephone lines. According to the specification, a conventional telephone system which utilizes a telephone jack such as Mozer's, and as well utilizes a cordless handset/receiver would have met the limitations of the claimed mobile telephone. In view of this, the examiner deems that a proper rejection was made, providing reasoning as to why it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a mobile telephone into the system of Lutes in view of Mozer.

5) This argument has been addressed for the reasons as discussed with regards to all other rejections as stated above.

(11) Related Proceeding(s) Appendix

Art Unit: 2612

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/DARYL POPE/

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